

**UNITED STATES BANKRUPTCY COURT
FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In the Matter of:

Keith A. Cunningham
Pamela S. Cunningham

Debtor(s)

Chapter 13

Case No. 19-12308-BFK

ORDER CONFIRMING MODIFIED PLAN

The Modified Chapter 13 Plan filed by Keith A. Cunningham and Pamela S. Cunningham on June 2, 2020, having been transmitted to all creditors; and it having been determined that the plan meets each of the requirements of 11 U.S.C. Section 1325(a);

It is ORDERED that:

- (1) the Plan as filed or modified is CONFIRMED.
- (2) Upon entry of this order, all property of the estate shall vest in the Debtor(s). Notwithstanding such vesting, the Debtor(s) shall not encumber, refinance, sell or otherwise convey real property without first obtaining an order of approval from this Court.
- (3) On August 11, 2019, and each month thereafter until further order of this Court, the Debtors shall pay to the Trustee, Thomas P. Gorman at P.O. Box 1553, Memphis, TN 38101-1553 the sum of \$2,980.00 per month for 12 months and then \$1,372.00 per month for 15 months and then \$1,732.00 per month for 5 months and then \$2,527.00 per month for the remaining 28 months of the Plan. Payments under said Plan to be completed within 60 months from the due date of the first payment in this case.
- (4) The Debtor shall file all federal and state income tax returns on or before the due date, without extension, and provide the Trustee with signed copies of the returns within 7 days after they are filed and provide the Trustee such additional information as the Trustee may require for determination of the Debtor's disposable income. Failure to timely comply with this provision shall be grounds for dismissal.
- (5) Any lien avoidance actions(s) contemplated by Section 8(B) of the Plan must be made by the filing of an Adversary Proceeding no later than sixty(60) days from the date of the entry of this Order.
- (6) The holder of each secured claim provided for in paragraphs 4A or 4D of the plan shall retain the lien securing such claim until the earlier of i) the payment of the underlying debt determined under nonbankruptcy law or ii) discharge under section 1328 or iii) such lien is otherwise avoided by separate Court order entered in this case or associated adversary proceeding. If this case is dismissed or converted without completion of the plan, such lien shall be retained by such holder to the extent recognized by applicable nonbankruptcy law.

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(7) The Debtor(s) shall comply with the agreed modifications of page four of the Order Confirming Plan, which shall supplement the Plan funding in addition to the payments provided by paragraph 3 above.

Dated: Sep 14 2020

/s/ Brian F. Kenney

Brian F. Kenney
United States Bankruptcy Judge

Confirmation Recommended.

Entered on Docket: September 14, 2020

/s/ Thomas P. Gorman
Thomas P. Gorman
Chapter 13 Trustee
300 North Washington Street, Ste. 400
Alexandria, VA 22314
(703) 836-2226
VSB #26421

Local Rule 9022-1(C) Certification

The foregoing Order was endorsed by and/or served upon all necessary parties pursuant to Local Rule 9022-1(C).

/s/ Thomas P. Gorman
Thomas P. Gorman, Chapter 13 Trustee

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ADDENDUM TO PLAN AND CONSENT ORDER CONFIRMING PLAN, page 4

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Keith A. Cunningham
Pamela S. Cunningham

The Debtor(s) shall furnish the Trustee annual federal and state income tax returns within forty-five (45) days of the due date of such returns for each year of the Chapter 13 case, plus federal and state income tax refunds in the excess of \$250.00 per annum unless otherwise ordered by this Court. In addition, the Debtor shall furnish the Trustee any such amount(s) as are hereafter determined by the Court to be disposable income of the Debtor(s) during the pendency of this proceeding and any additional information as the Trustee may require for determination of the Debtors disposable income. Failure to comply with this provision shall be grounds for dismissal.

/s/Keith A. Cunningham
Keith A. Cunningham

/s/Pamela S. Cunningham
Pamela S. Cunningham

/s/Ronald J. Aiani
Ronald J. Aiani

/s/Thomas P. Gorman
Thomas P. Gorman

Order Confirming Plan

[DEBTOR]

[CODEBTOR]

Case No. [CASE NUMBER]

PARTIES TO RECEIVE COPIES

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